IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

FRIDAY, THE 22ND JUNE 2007 / 1ST ASHADHA 1929

WP(C).No. 2801 of 2007(H)

OA.167/2005 of DEBT RECOVERY TRIBUNAL, ERNAKULAM
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PETITIONER:

N.A.SUBAIR, AGED 39 YEARS,
S/O.ABDUL KHADER, NADUVELIPARAMBIL,
PALUPARASSERY, CHENGAMANAD P.O.,
ERNAKULAM DISTRICT.

BY ADV. SRI.B.RAMACHANDRAN

RESPONDENTS:
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1. UNION OF INDIA, REPRESENTED BY
SECRETARY, MINISTRY OF FINANCE,
NEW DELHI.

2. THE REGISTRAR, DEBTS RECOVERY TRIBUNAL,
ERNAKULAM.

3. THE RECOVERY OFFICER,
DEBTS RECOVERY TRIBUNAL,ERNAKULAM.

4. THE FEDERAL BANK LTD.,
THOTTAKKATTUKARA BRANCH, REPRESENTED BY
ITS BRANCH MANAGER.

BY ADV. SRI.A.ANTONY, SC
SMT.LEELAMMA ANTONY
SRI.BOBBY MATHEW, CGC
ADV. SHRI.P.PARAMESWARAN NAIR, ASST.SG

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 22/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) No. 2801/2007

APPENDIX

PETITIONER'S EXHIBITS

P1 : COPY OF FINAL ORDER DATED 18/08/2006.

P2 : COPY OF RECOVERY CERTIFICATE DATED 18/12/2006.

// TRUE COPY //

PA TO JUDGE.

jg

C.N.RAMACHANDRAN NAIR, J.

WP(C) No. 2801 of 2007

Dated, this the 22nd day of June, 2007

J U D G M E N T

Heard learned counsel for the petitioner and the learned Standing Counsel appearing for 4th respondent. There is no ground to entertain challenge against the award passed by DRT. However, since petitioner submitted that petitioner is arranging to sell some item of mortgaged property to settle liability, I feel petitioner can be given a reasonable time, more so, since petitioner has already paid Rs. 2 lakhs under interim orders and this Court is ordering payment of a further amount of Rs. 2 lakhs within two months. However, the security will be retained until full arrears are paid. WP(C) is disposed of directing respondents to withhold recovery proceedings for two months from now and if petitioner remits another Rs. 2 lakhs within the said period, then stay will stand extended till 30/11/2007, within which time, petitioner will settle liability. However, mortgaged property should not be sold without clearing the arrears, even though petitioner can enter into agreement for sale even of the mortgaged property.

(C.N.RAMACHANDRAN NAIR, JUDGE.)

jg